

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HERBERT J. NELSON,  
*Plaintiff,*

v.

WHOLE FOODS MARKET GROUP,  
*Defendants.*

CIVIL ACTION  
No. 19-3071

**ORDER**

AND NOW, this 9th day of March, 2020, upon consideration of Defendant Whole Food Market Group, Inc.'s motion to dismiss Plaintiff Herbert J. Nelson's Complaint (ECF Nos. 17 and 18) and Nelson's responses to the motion (ECF Nos. 19 and 20), it is **ORDERED** that Defendant's Motion is **GRANTED** and Plaintiff's Complaint is **DISMISSED**. Plaintiff may file an amended complaint on or before **March 27, 2020** if he is able allege facts sufficient to state a plausible claim for relief consistent with the accompanying Memorandum of Law. If Plaintiff files an Amended Complaint, Defendant shall file a responsive pleading within fourteen days thereafter.

BY THE COURT:

**/s/ Gerald J. Pappert**  
GERALD J. PAPPERT, J.